

ENROLLED ACT NO. 68, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2018 BUDGET SESSION

AN ACT relating to school finance; modifying provisions of the state's public school funding system; requiring school districts to comply with department of workforce services programs as specified; requiring the average daily membership calculation within the school district funding model to be calculated at the school district level; revising workers' compensation provisions for special education professionals; prohibiting school districts from leasing buses; amending provisions regarding school bus purchase reimbursements; amending school district funding for groundskeepers; repealing assessment funding; requiring a report; requiring the establishment of special education staffing guidelines; amending special education funding; providing an appropriation; authorizing rulemaking; providing for additional distributions to school districts as specified; and providing for effective dates.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 21-3-110(a) by creating a new paragraph (xxxvi), 21-13-309(m)(iv)(A), 21-13-320(j)(iii) by creating new paragraphs (iv) and (v) and (m), 21-13-321(b) and 27-14-108(d)(xvi) and (f) by creating a new paragraph (x) are amended to read:

**21-3-110. Duties of boards of trustees.**

(a) The board of trustees in each school district shall:

(xxxvi) Participate in programs of the department of workforce services necessary to receive premium discounts for the state worker's compensation program.

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**21-13-309. Determination of amount to be included in foundation program for each district.**

(m) In determining the amount to be included in the foundation program for each district, the state superintendent shall:

(iv) Based upon reports from each district on schools operating within that district for the current school year and on grade configurations contained within each reported school during that school year, compute the average daily membership (ADM) for each reported school and each grade within each reported school in accordance with identified grade configurations subject to the following:

(A) If the district's average daily membership—(ADM)—ADM for the three (3) immediately preceding school years is greater than the district's ADM from the previous school year, each reported school shall be computed based upon the average of the school's ADM counts completed at the end of the three (3) immediately preceding school years, or otherwise each reported school within the district shall be computed based on the school's ADM for the previous school year; ~~which ever is greater;~~

**21-13-320. Student transportation; amount within school foundation program formula for transportation maintenance and operations expenditures and school bus purchases; district reporting requirements.**

(j) Effective for the school year 2018-2019 and each school year thereafter the amount computed under this section shall be in accordance with the provisions of this subsection. Each district shall receive:

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(iii) An amount calculated in accordance with subsection (g) of this section for each school bus purchased or initially leased on or after March 15, 2017 but before July 1, 2018, if the school district first applied to the department and the department determined the purchase or lease was necessary to alleviate an emergency; ~~+~~ plus

(iv) One hundred percent (100%) reimbursement for each school bus purchased on or after July 1, 2018, if the school district first applied to the department and the department determined the purchase was necessary to alleviate an emergency; plus

(v) One hundred percent (100%) reimbursement for a bus purchase that will be partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program minus the amount that will be paid for or rebated under the applicable program.

(m) No district shall purchase a school bus ~~or enter into a new lease for a school bus~~ on or after March 15, 2017 unless it first applies to the department and the department determines that an emergency exists necessitating the purchase or lease of the bus, except that, beginning July 1, 2018, a district may purchase a bus that will be fully or partially paid for or rebated under the Diesel Emissions Reduction Act, 42 U.S.C. 16131 et seq., or other similar program as confirmed by a letter of assurance from the state or federal government. No district shall enter into a new lease for a school bus on or after July 1, 2018.

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**21-13-321. Special education; amount within foundation program formula for special education programs and services; district reporting requirements.**

(b) The amount provided for special education within the education resource block grant model pursuant to W.S. 21-13-309(m)(v)(E)(II) shall be equal to one hundred percent (100%) of the amount actually expended by the district during the previous school year for special education programs and services. The statewide total amount reimbursed under this section in school year 2019-2020 or 2020-2021 shall not exceed the statewide total amount reimbursed under this section in school year 2018-2019, notwithstanding any additional appropriation for that purpose by the legislature.

**27-14-108. Extrahazardous industries, employments, occupations; enumeration; definitions; optional coverage.**

(d) This act applies to governmental entities engaged in an industrial classification listed under subsection (a) of this section and to employees of governmental entities engaged in or employed as the following:

(xvi) Public school educational assistants who provide services to special education students while working directly with special education students and certified special education teachers and related services providers as defined by 34 C.F.R. 300.18 and 300.156 and W.S. 21-2-802 and 21-7-303 who provide services to eligible students ~~with behavioral, emotional, cognitive, learning, physical or health disabilities that require educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot~~

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~~be achieved satisfactorily in the regular classroom~~ while working directly with eligible students;

(f) As used in this section:

(x) "Eligible student" means a student with behavioral, emotional, cognitive, learning, physical or health disabilities who requires educational services to be provided outside of the regular classroom because the use of supplementary aids and services cannot be achieved satisfactorily in the regular classroom.

**Section 2.** 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT "A" (b)(xxxiii) is amended to read:

ATTACHMENT "A"

ATTACHMENT "A" CONTAINS AN ENUMERATION OF EDUCATION RESOURCE BLOCK GRANT MODEL COMPONENTS SUMMARIZING AND EXECUTING RECOMMENDATIONS CONTAINED IN THE 2010 COST OF EDUCATION STUDY AS FOLLOWS:

(b) Notwithstanding components specified in the 2010 cost of education study accepted by the legislature, the Wyoming education resource block grant model components and the resourcing for those components, as enacted by the legislature, shall be as follows:

(xxxiii) Maintenance and operations:  
Based on ADM, gross square footage, number of buildings and classrooms, and age of buildings ~~and site acreage~~ for custodians, and

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maintenance workers, ~~and groundskeepers,~~ computed in accordance with the 2010 cost of education study. Any building without allowable gross square footage for purposes of major maintenance computations under W.S. 21-15-109 shall use the actual educational gross square footage as approved by the school facilities commission. Groundskeeper FTE computations for elementary, middle and high schools shall be computed in accordance with the 2010 cost of education study, subject to the following. Elementary, middle and high school site acreage shall be based upon the lesser of the actual site acreage on which the facility is situated as defined by department rule and regulation, or the school facility guidelines and site acreages established by the school facilities commission under W.S. 21-15-114. Elementary, middle and high school acreages acquired on or prior to July 1, 1997, and acreages acquired after July 1, 1997 through an exchange

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with another governmental entity if the acreages involved in the exchange were originally acquired by the district and the governmental entity on or prior to July 1, 1997, shall not be subject to groundskeeper FTE computation limitations. Groundskeeper FTE computations for district level sites shall be equal to 10% of the groundskeeper FTEs for elementary, middle and high schools.

**Section 3.** 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT "A" (b)(xxviii), as amended by 2017 Wyoming Session Laws, Chapter 205, ATTACHMENT "A" (b)(xxviii), is repealed.

**Section 4.**

(a) The department of education shall review state statutes relating to special education and school district transportation and its rules relating to special education and transportation for any possible fiscal efficiencies. By June 1, 2018, the department of education shall report to the joint education interim committee on its review and shall include suggested changes to statute or rule and any rulemaking conducted as a result of its review.

(b) On or before January 1, 2019, the state superintendent of public instruction shall establish statewide guidelines for adequate special education staffing levels as required by W.S. 21-2-202(a)(xxiii).

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**Section 5.**

(a) The department of education shall determine, for school years 2018-2019 and 2019-2020, the reduction caused by amendments to W.S. 21-13-309(m)(iv)(A) and 2011 Wyoming Session Laws, Chapter 185, ATTACHMENT "A" (b)(xxxiii) contained in this act to each school district's foundation program amount calculated pursuant to W.S. 21-13-309(p).

(b) The department of education shall increase a school district's total foundation program amount calculated under W.S. 21-13-309 for the 2018-2019 school year by an amount equal to two-thirds ( $2/3$ ) of the reduction calculated for that school district under subsection (a) of this section for that school year.

(c) The department of education shall increase a school district's total foundation program amount calculated under W.S. 21-13-309 for the 2019-2020 school year by an amount equal to one-third ( $1/3$ ) of the reduction calculated for that school district under subsection (a) of this section for that school year.

**Section 6.**

(a) In addition to all other appropriations for special education programs and services, two million dollars (\$2,000,000.00) is appropriated to the department of education from the school foundation program account for purposes of making payments to school districts for out of district placements for special education students. For purposes of distribution under this section, out of district placement costs shall be calculated in accordance with W.S. 21-13-321, but funds appropriated under this

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section shall be distributed to school districts pursuant to rules promulgated under this section for the 2019-2020 and 2020-2021 school years. The funds appropriated under this section shall therefore not be subject to the limitation of W.S. 21-13-321(b), and shall not be included for purposes of calculating the statewide reimbursement amount calculated for purposes of W.S. 21-13-321(b). Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert to the school foundation program account on June 30, 2021.

(b) The department of education may promulgate necessary rules and regulations to implement this section.

**Section 7.** For school year 2018-2019 and each school year thereafter through the next recalibration of the education resource block grant model pursuant to W.S. 21-13-309(t), the foundation program amount computed under W.S. 21-13-309(p) for a school district with fewer than two hundred forty-three (243) ADM, less amounts reimbursed under W.S. 21-13-309(m)(v)(E), shall not be less than ninety-seven and one-half percent (97.5%) of the foundation program amount available to that school district during the previous school year, as computed under W.S. 21-13-309(p) prior to the addition of reimbursement amounts for that school year. To the extent necessary to implement this section, this section shall supersede W.S. 21-13-309(p).

**Section 8.**

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2018.

ORIGINAL HOUSE  
BILL NO. HB0140

ENGROSSED

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(b) Section 4 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk